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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,392	11/10/2005	Helmut Winterling	12810-00162-US1	6284
30678 7590 11/26/2007 CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20036			EXAMINER LISTVOYB, GREGORY	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 11/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,392

Applicant(s)

WINTERLING ET AL.

Examiner

Gregory Listvoyb

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-15 is/are rejected.
- 7) ☐ Claim(s) 4-6 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 8-15 rejected under 35 U.S.C. 102(b) as being anticipated by Voit et al (US6278023) herein Voit. as evidences by Encyclopedia of Pol. Sci and Tech (Polyamides, fibers, vol 3, page 592-594) herein Encyclopedia.

Voit discloses a polyamide (Nylon 6, 6 fiber see Column 1, line 20 and Column 5, line 45), which main chain comprises chemically bound of 1-aminocyano 2-cyclopentene, (more than 0.001% mol, i.e. 61 ppm, see Table 1). 1-aminocyano 2-cyclopentene contains Nitrile group capable of combining with an amino group to form an amide group, meeting the limitations of Claims 2-3, 8, 10, 11 and 15

Note that Voit discloses 1-aminocyano 2-cyclopentene is listed as an impurity in hexamethylenediamine. 1-aminocyano 2-cyclopentene is capable to form amide links and therefore, it inherently present in the final polyamide 6,6, meeting the limitations of Claims 1-3, 8, 14-15.

Regarding Claims 9-10 and 12 and 13, Polyamide 6, 6 produces from Hexamethylene diamine, (inherently having more than 0.001% mol of 1-aminocyano 2-cyclopentene) and Adipic acid. Oligomers form in a first stage of the polycondensation (see Encyclopedia).

Claims 1-3 and 7-15 rejected under 35 U.S.C. 102(b) as being anticipated by Ogo et al (US 6117942) as evidences by Voit.

Ogo discloses a polyamide comprising Hexamethylenediamine, 2-Methyl-1,5-diaminopentane (see Reference Example 1). As evidenced by Voit, commercial Hexamethylenediamine, which uses for synthesis of polyamides, containing 1-Aminocyano 2-Cyclopentene as an impurity, which capable to form an amide bond.

Allowable Subject Matter

Claims 4-6 and 16-18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art disclosing 1-Aminocyano 2-R-pentene, where R equal to Carboxylic Acid, Carboxylic Ester and Carboxylic Amide is not found.

Response to Arguments

Applicant's arguments with respect to claim 1-3 and 7-15 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Listvoyb whose telephone number is (571) 272-6105. The examiner can normally be reached on 10am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Gregory Listvoyb
Examiner
Art Unit 1796

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RABON SERGENT
PRIMARY EXAMINER